

From: Ron Nath
To: Microsoft ATR
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Subject: MS antitrust settlement

To whom it may concern:

I would like to offer my opinion on the current proposed settlement between the DOJ and Microsoft. Let me summarize by saying the decision is a travesty to the justice system we all believed operated in this country. Now I will expound on the reasons.

First, it will be clear to any free thinker that any company that controls the foundation of an industry will have an innate advantage over its competitors in creating products that are built on that foundation. This applies to any industry. In particular though, this has now become most notable in the software industry. Given this situation, the simplest solution would be to sunder this tie as judge Thomas Penfield Jackson has suggested. I would go so far as to say, MS should have been broken up into five companies: consumer OS, business OS, consumer apps, business apps, and internet services and hardware. Each company would then have to learn to support other platforms and thus "biodiversity" would have a chance.

Second, by allowing MS to remain whole, it will use its position of dominance, to extend itself into other adjoining areas such as publishing, gaming (witness the Xbox), and even consulting services. It is not hard to imagine a day when not just the entire computer industry, but any industry built around thoughts and ideas would be controlled by this company. And we would have our weak willed government to thank for this. In fact, our very own government would be controlled by this company, even more so than it is now.

Third, and lastly, keeping MS intact was a bad idea because it will send a message to all companies who are trying to dominate a market that if you keep fighting the government long enough, they will back down because there really is no teeth behind their bark and they are just a bunch of wimps. This is not the DOJ that I want in my country. We should be lobbying our representatives in the legislative branch and executive branches to remove the current crop of spineless, ill-informed judiciaries.

A simple solution to legal wrangling would involve not necessarily breaking up MS (although that is still a good thing) but rather to cut right to the heart of the company- make its code open source. Not that anyone should be able to copy it or even modify it, but people should have the right to see what they are paying for. In fact, the government should go so far as to demand that any software sold to it should come with the source code-period. This way, the government will never be held hostage to closed, proprietary code.

In summary then, I think the current settlement is more of our government settling than a real middle of the ground deal or settlement. Microsoft came out the winner hands down, and the DOJ skulked away with its tail between its legs, humiliated and beaten soundly by a much more vigorous and financially powerful opponent. The DOJ should go for the gold: split the company into five and demand that all software sold to it come with the source code.

Thank you for your time in reading my opinions.

Dr. Nath